

1 ALDO A. BADINI (257086)
2 JEFFREY L. KESSLER (*pro hac vice*)
3 A. PAUL VICTOR (*pro hac vice*)
4 EVA W. COLE (*pro hac vice*)
5 MOLLY M. DONOVAN (*pro hac vice*)
6 WINSTON & STRAWN LLP
7 200 Park Avenue
8 New York, New York 10166-4193
9 Telephone: (212) 294-6700
10 Facsimile: (212) 294-7400
11 Email: jkessler@winston.com

12 STEVEN A. REISS (*pro hac vice*)
13 DAVID L. YOHAI (*pro hac vice*)
14 ADAM C. HEMLOCK (*pro hac vice*)
15 WEIL, GOTSHAL & MANGES LLP
16 767 Fifth Avenue
17 New York, New York 10153-0119
18 Telephone: (212) 310-8000
19 Facsimile: (212) 310-8007
20 Email: steven.reiss@weil.com

21 *Attorneys for Defendants Panasonic Corporation of North America, MT Picture Display Co., Ltd.,*
22 *and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)*

23
24
25
26
27
28 **IN THE UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

29 In re: CATHODE RAY TUBE (CRT) ANTITRUST) Case No. 07-5944 SC
30 LITIGATION)
31) MDL. No. 1917

32 This Document Relates to:

33 INDIRECT-PURCHASER ACTIONS

34 **DECLARATION OF EVA W. COLE IN**
35 **SUPPORT OF THE PANASONIC**
36 **DEFENDANTS' ADMINISTRATIVE**
37 **MOTION TO SEAL DOCUMENTS**
38 **PURSUANT TO CIVIL LOCAL RULES**
39 **7-11 AND 79-5(d)**

1 I, Eva W. Cole, declare as follows:

2 1. I am an attorney with Winston & Strawn LLP, attorneys for Defendants
 3 Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation
 4 (f/k/a Matsushita Electric Industrial Co., Ltd.) (collectively, the “Panasonic Defendants”) in these
 5 actions. I am a member of the bar of the State of New York and I am admitted to practice before this
 6 Court *pro hac vice*. I make this declaration pursuant to Civil Local Rule 79-5(d) to establish that the
 7 Errata to the Declaration of Robert D. Willig (“Errata”), submitted to the Court in connection with
 8 Defendants’ Opposition to Indirect-Purchaser Plaintiffs’ Motion for Class Certification, contains
 9 Confidential and Highly Confidential information and is sealable. Except for those matters stated on
 10 information and belief, about which I am informed and which I believe to be true, I have personal
 11 knowledge of the facts stated herein and, if called as a witness, I could and would competently
 12 testify thereto.

14 2. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this
 15 matter (Dkt. No. 306).

16 3. On December 17, 2012, Defendants filed a joint administrative motion seeking
 17 leave to file under seal portions of their Opposition to Indirect-Purchaser Plaintiffs’ Motion for Class
 18 Certification and supporting documents including the Declaration of Robert D. Willig (“Willig
 19 Declaration”) (Dkt. No. 1489). Defendants’ joint motion to seal was supported with declarations
 20 from counsel for seven defendant groups.¹ On December 27, 2012, the Court granted Defendants’
 21 joint motion to seal. Order Re Administrative Motions to File Under Seal (Dkt. No. 1523).

24
 25 ¹ Declaration of Eva W. Cole in Support of Administrative Motion to File Under Seal (Dkt. No.
 26 1489-1); Declaration of Michelle Park Chiu in Support of Administrative Motion to File Under Seal
 27 (Dkt. No. 1491); Declaration of Hojoon Hwang in Support of Administrative Motion to File Under
 Seal (Dkt. No. 1494); Declaration of Tyler Cunningham in Support of Administrative Motion to File
 Under Seal (Dkt. No. 1495); the Declaration of Courtney Byrd in Support of Administrative Motion
 to File Under Seal (Dkt. No. 1489-1); the Declaration of Lucius B. Lau in Support of Administrative

1 4. On January 18, 2013, the Panasonic Defendants filed an Administrative Motion
2 to Seal, and lodged conditionally under seal, portions of the following document, pursuant to Civil Local
3 Rules 7-11 and 79-5(d):

4 • Errata to the Declaration of Robert D. Willig in Support of the Opposition Brief
5 ("Errata") that contains information from documents that Defendants have
6 designated "Confidential" or "Highly Confidential."

7 5. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the
8 Panasonic Defendants to provide the basis for the Court to maintain under seal certain documents
9 and information designated by defendants as "Confidential" or "Highly Confidential" pursuant to the
10 Stipulated Protective Order, and all references to those documents and information in the Errata.

12 6. Upon information and belief, the Errata consists of, cites to, and/or identifies
13 confidential, nonpublic, proprietary and highly sensitive business information. The Errata contains,
14 cites to, and/or identifies confidential information about defendants' sales processes, business
15 practices, internal practices, negotiating tactics, confidential business and supply agreements and
16 competitive positions. The Errata describes relationships with companies that remain important to
17 the defendants' competitive position. I am informed and believe that this is sensitive information
18 and public disclosure of this information presents a risk of undermining the defendants' business
19 relationships, would cause it harm with respect to its competitors and customers, and would put the
20 Panasonic Defendants at a competitive disadvantage.

22 7. The Errata quotes from or describes documents or information designated as
23 "Confidential" or "Highly Confidential" by the defendants pursuant to the Stipulated Protective
24 Order. As with the original Willig Declaration filed on December 17, 2012, I understand that the
25 defendants consider any statements in the Errata purporting to summarize the exhibits or any other

27 Motion to File Under Seal (Dkt. No. 1490); Declaration of Charles Malaise in Support of
Administrative Motion to File Under Seal (Dkt. No. 1493).

1 documents or information designated "Confidential" or "Highly Confidential" by the defendants
2 confidential and proprietary. I am informed and believe that the defendants have taken reasonable
3 steps to preserve the confidentiality of information of the type contained, identified, or cited to in the
4 Errata.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.
7

DATED: January 18, 2013

By: /s/ Eva W. Cole

JEFFREY L. KESSLER (*pro hac vice*)

Email: jkessler@winston.com

A. PAUL VICTOR (*pro hac vice*)

Email: pvictor@winston.com

ALDO A. BADINI (257086)

Email: abadini@winston.com

EVA W. COLE (*pro hac vice*)

Email: ewcole@winston.com

MOLLY M. DONOVAN (*pro hac vice*)

Email: mmdonovan@winston.com

WINSTON & STRAWN LLP

200 Park Avenue

New York, New York 10166-4193

Telephone: (212) 294-6700

Facsimile: (212) 294-7400

STEVEN A. REISS (*pro hac vice*)

Email: steven.reiss@weil.com

DAVID L. YOHAI (*pro hac vice*)

Email: david.yohai@weil.com

ADAM C. HEMLOCK (*pro hac vice*)

Email: adam.hemlock@weil.com

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, New York 10153-0119

Telephone: (212) 310-8000

Facsimile: (212) 310-8007

GREGORY D. HULL (57367)

Email: greg.hull@weil.com

WEIL, GOTSHAL & MANGES LLP

201 Redwood Shores Parkway

Redwood Shores, California 94065-1175

Telephone: (650) 802-3000

1 Facsimile: (650) 802-3100
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for Defendants *Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)*